

It just should be noted with respect to statement (1) that, clearly, second sheet 32 is not "...sealed to the mesh sheet at each end." It is only sealed to the mesh sheet at one end, and it is spaced from the other end.

Also, with respect to the statement in (1) that the invention of claims 1-15 requires only one thermoplastic sheet to be sealed to the mesh sheet, both the first and the second thermoplastic sheets are shown to be sealed to the mesh sheet.

Turning now to the rejection of claims 1-4 as unpatentable over Yamagata Japanese Publication 411130089A in view of Yamagata Japanese Publication 11-292088, as stated on page 4 of the Office Action, the examiner acknowledges that Yamagata '089 is silent as to any teaching that the first and second sheet extend beyond the mesh together, as claim 1 calls for.

Accordingly, the examiner brings forward Yamagata '088, and the disclosure of first and second sheets at one end of the bag in which one of the sheets extends substantially beyond the mesh sheeting that defines the bag, and the other thermoplastic sheet 13 extends slightly beyond the mesh sheeting of the bag.

Amended claim 1 calls for an added limitation: the requirement that the first and second thermoplastic sheets extend together beyond the second end of the mesh "...by substantially similar distances"... to lie against each other. This, of course, is clearly illustrated by Fig. 2 of the application, where first and second thermoplastic sheets 16, 32 clearly extend together beyond the second end 34 of the mesh sheet by substantially similar distances.

It is believed that the examiner will acknowledge this to be a novel structure, since the rejection over claim 1 is based on the two Yamagata patents in combination.

The examiner added the disclosure of Yamagata 11-292088 for its disclosure of a tip of plastic film projecting beyond the mesh wall 2 of the bag shown in that patent. However,

clearly, in Yamagata '088 the two thermoplastic sheets 9, 13 do not teach two plastic sheets that are "...extending together beyond the second end of the mesh sheet by substantially similar distances to lie against each other", as called for in claim 1.

This difference in structure from any combination that could reasonably be derived from the two Yamagata patents has a significant advantage. As previously stated with respect to this application, the fact that both the top and bottom ends of the bag of this invention each comprise a pair of solid, plastic film walls, and not mesh screening, makes possible the manufacture of the bag of this invention in conventional roll stock fabricating machinery. With only relatively minor modification, a conventional roll stock fabrication process line can be used to manufacture the bag of this invention.

In Section 27 of the last Office Action, the examiner addressed this point, arguing that such a manufacturing process was not found in the claims. It is not, but it comprises an advantage of this particular design, which serves to demonstrate that those skilled in the art, having the two Yamagata patents before them, would not find the invention of this application obvious. Not only would those skilled in the art not find the invention obvious for the reason of the remarkable advantage provided by the particular design of this invention, but, also, no combination of the two Yamagata Japanese patents teaches or renders obvious a bag where the first and second thermoplastic sheets extend beyond the mesh sheet by substantially similar distances, as previously discussed.

Claim 23 then also is similar to claim 1 (three times amended), calling for the first and second sheets to extend together by substantially similar distances. Claim 23 also has an added section as follows: "...a third straight, transverse seal extending across the width of said bag and enclosing said bag adjacent to said second thermoplastic sheet, said third seal being formed

between flat, unfolded first and second sheets or between flat, unfolded first and mesh sheets.” For support here, notice third transverse seal line 44 between second sheet 32 and the first sheet portion 36, as one alternative sealing technique. Note also the last three lines of page 5, where seal line 48 may be formed to close the bag. That seal line clearly is between mesh sheet 12 and the first thermoplastic sheet 16, in the vicinity of seal line 30, which is between the mesh sheet and the second sheet 32.

Contrary to the Yamagata patents, note that claim 23, last two lines, calls for “...said third seal being formed between flat, unfolded first and second sheets or between flat, unfolded first and mesh sheets.” In Yamagata, a fold is clearly used in the plastic sheet to form an envelope-type seal.

A straight bar seal closure for a bag is obviously more susceptible to automation than a folding envelope-type seal of the type as shown in both Yamagata patents. Furthermore, with respect to dependent claim 30, a closure seal comprising a seal line from plastic sheet to plastic sheet, without folding into an envelope-type seal, would also be non-obvious in view of the Yamagata patents. In Yamagata ‘088, the small piece of plastic 13 has only a tiny tip extending beyond the mesh wall, and, as such, those skilled in the art could not practicably make a preferable bar-type heat seal between that little projecting tip and the larger flap of plastic 9.

In view of the above, it is submitted that claims 23 and 30 are both patentable.

Claims 24-29 are also dependent upon claim 23, and are submitted to be patentable because they share in the distinguishing limitations of claim 23, above and beyond their own specified limitations.

Also, claim 5 depends on patentable claim 1, and thus is believed to be patentable over the examiner’s rejection based on the combination of three Japanese patents.

Claims 6-12, as dependent claims, share in the limitations of claim 1, and thus are submitted to be patentable over the combination of four references raised by the examiner.

Similarly, with respect to claim 13, it also is ultimately dependent upon claim 1 and thus shares in the distinctions over the six references cited by the examiner.

Claim 14 is also dependent upon claim 1, and shares in its patentable limitations over the four cited references used in its rejection.

Respectfully submitted,

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